

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYNQUE DARON JONES-ADAMS,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC.,

Defendant.

CASE NO. C24-1839-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to withdraw his deemed admissions and extend the time to serve responses to requests for admissions (Dkt. No. 24). Having thoroughly considered the briefing and the relevant record, the Court GRANTS the motion for the following reasons.

The discovery cut-off in this consumer credit action is October 10, 2025, and trial is set for February 2026. (*See* Dkt. Nos. 16, 23.) Defendant served Plaintiff with Requests for Admissions on January 31, 2025. (*See* Dkt. No. 24-1 at 2.) Plaintiff's Responses were due March 3, 2025. *See* Fed. R. Civ. P. 36(a)(3) (30-day deadline). Plaintiff did not respond. Instead, on May 7, 2025, he contacted Defendant and acknowledged that he had missed the deadline. (*See* Dkt. Nos. 25 at 2, 24-1 at 2.) Plaintiff now represents he missed the deadline because he was ill during this time and did not understand the deadlines. (Dkt. No. 25 at 1–2.) Now, he seeks to

1 withdraw the resulting deemed admissions and asks the Court for additional time to respond.¹
2 (*See generally* Dkt. No. 24.) Defendant has not responded to the motion.

3 Under Federal Rule of Civil Procedure 36(a)(3), a request for admission is deemed
4 admitted if a party served does not respond within 30 days. Fed. R. Civ. P. 36(a)(3). Rule 36(b),
5 however, provides a “safe harbor.” *Conlon v. United States*, 474 F.3d 616, 622 (9th Cir. 2007).
6 Under Rule 36(b), the Court may permit a party to withdraw an admission if (1) doing so would
7 help reach the merits of the action and (2) there is no prejudice to the opposing party. Fed. R.
8 Civ. P. 36(b).

9 As to the admissions at issue here, absent the relief Plaintiff seeks, he would be deemed
10 *not* to have made certain payments relevant to his disputed credit history. (*See* Dkt. No. 24 at 4.)
11 This fact is material to the merits because, if true, it would support Defendant’s affirmative
12 defense. (*See* Dkt. No. 26 at 18) (affirmative defense of accurate credit information). Thus, a
13 withdrawal of Plaintiff’s admission would help reach the merits.

14 As to prejudice, the opposing party bears the burden of demonstrating that a withdrawal
15 of admissions would make it more difficult for them to prove their case at trial. *Conlon*, 474 F.3d
16 at 622 (citing *Hadley v. United States*, 45 F.3d 1345, 1348 (9th Cir. 1995)). However, Defendant
17 did not respond to Plaintiff’s motion seeking withdrawal.² Thus, it is not clear how it might be
18 prejudiced by allowing Plaintiff more time to respond to its request. This is particularly true
19 when this action is still months away from the discovery cut-off and the trial date. *Compare*
20 *Hadley*, 45 F.3d at 1349–50 (withdrawal accepted before trial), *with 999 v. C.I.T. Corp.*, 776

21 ¹ To the extent that Plaintiff seeks additional time for other responses, the Court has no way to
22 assess these requests because, unlike the Request for Admissions, Plaintiff has not clarified what
23 these other items are. (*See generally* Dkt. No. 24.) In addition, Defendant told Plaintiff that he
24 may still respond to interrogatories and request for production. (Dkt. No. 24-1 at 2.) Therefore,
the Court focuses on the Requests for Admission.

25 ² Defendant told Plaintiff via e-mail that the requests are deemed admitted and it declined to
26 grant Plaintiff an informal extension. (Dkt. No. 24-1 at 2.) But that representation was not made
to the Court. And Defendant’s failure to formally respond works as an admission by Defendant
that Plaintiff’s current request has merit. *See* LCR 7(b)(2).

1 F.2d 866, 869–70 (9th Cir. 1985) (withdrawal rejected during trial). Withdrawal does not affect
2 any other deadlines here, either. (*See* Dkt. No. 16.)

3 Therefore, the Court GRANTS Plaintiff’s motion (Dkt. No. 24) to the extent that
4 Plaintiff’s deemed admissions are WITHDRAWN. He may serve updated responses to
5 Defendant’s Requests for Admission within fourteen (14) days of this Order. If he fails to do so,
6 the deemed admissions will be revived.

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8 DATED this 6th day of June 2025.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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